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11 Attorney for Petitioner Harold E. Montague

12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 Harold E. Montague,
15 Petitioner,
16 v.
17 Ms. Baker, et al.,
18 Respondents.

Case No. 3:17-cv-00648-RCJ-WGC

**Unopposed Motion for Extension of
Time to File an Amended Petition for
Writ of Habeas Corpus**

(First Request)

19 Petitioner Harold E. Montague moves this Court for entry of an Order
20 extending the time in which he must file an Amended Petition by 35 days, from
21 August 8, 2018 to September 14, 2018.

22 **POINTS AND AUTHORITIES**

23 1. In 2014, Montague pleaded guilty to one count of first degree murder
24 with use of a deadly weapon, one count attempt murder with use of a deadly weapon,
25 two counts attempt murder with use of deadly weapon, and one count battery on an
26 officer. Montague was sentenced to a total of life without parole, plus multiple
consecutive terms of 20 years with minimum parole eligibility of 8 years.

2. This is Montague's first request for an extension.

1 3. Counsel is undergoing review of Montague's available records, and has
2 met with him in person at Lovelock Correctional Center. As part of the record review,
3 it appears Montague has remaining AEDPA time until on or about September 17,
4 2018.

5 4. Counsel requires additional time to complete the amended petition in
6 this matter. There are extensive medical records to review in Montague's file. In
7 addition, counsel has extensive administrative duties, including reviewing and
8 assigning all new cases (including staff assignments). She is responsible for
9 organizing CLEs for the state and federal panel habeas/appeals attorneys. Counsel is
10 first or second chair on dozens of cases and has been training new attorneys by
11 reviewing their cases and pleadings with them. And she sits as a board member on
12 the Nevada Board of Continuing Legal Education. In addition, counsel was out of the
13 office for previously-scheduled leave, CLEs, or client visits June 22, 2018, June 27-9,
14 2018, July 4-5, 2018, July 11-3, July 27-30, and August 9, 2018.

15 5. The requested extension of time is necessary to effectively and
16 thoroughly represent Montague. This motion is not filed for the purposes of delay,
17 but in the interests of justice, as well as the interests of Montague.

18 6. On August 10, 2018, counsel exchanged e-mails with Deputy Attorney
19 General Sheryl Serreze, counsel for the warden, who does not object to this request
20 with the understanding that her lack of objection is not a waiver of any available
21 defenses.

1 7. For the reasons above, as well as the record in this case, undersigned
2 counsel asks this Court to grant this request for an extension of time and enter an
3 order.

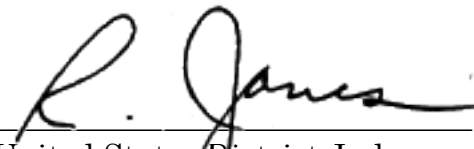
4 Dated August 10, 2018.

5 Respectfully submitted,

6 Rene L. Valladares
7 Federal Public Defender

8 /s/Megan C. Hoffman
9 MEGAN C. HOFFMAN
10 Assistant Federal Public Defender

11
12 IT IS SO ORDERED:

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14 _____
15 United States District Judge

16 Dated: August 10, 2018 _____
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Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Sheryl Serreze.

Harold E. Montague
No. 1125410
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

/s/ Jessica Pillsbury
An Employee of the
Federal Public Defender